



\$ SECTOR

#4

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
TOSHIHIKO MIYAZAKI ET AL. )  
Examiner: NYA )  
Group Art Unit: 2879 )  
Application No.: 09/705,957 )  
Filed: November 6, 2000 )  
For: IMAGE FORMATION APPARATUS: June 18, 2001 )

RECEIVED

AUG 10 2001

OFFICE OF PETITIONS

Box Missing Part  
Commissioner for Patents  
Washington, D.C. 20231

**ATTENTION: APPLICATION BRANCH, SPECIAL HANDLING UNIT**

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION -  
FILING DATE GRANTED, AND  
PETITION UNDER 37 C.F.R. §§ 1.53(e) and 1.181

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF  
APPLICATION - FILING DATE GRANTED mailed April 18, 2001  
enclosed please find an executed Declaration/Power of  
Attorney form, together with the surcharge fee of \$130.00.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first-class mail in an envelope  
addressed to: Commissioner for Patents, Washington, D.C. 20231 on  
June 18, 2001.

(Date of Deposit)

**FRANK A. DeLUCIA**

(Name of Attorney for Applicant)

Signature

June 18, 2001

Date of Signature

05/27/2001 JADD01 00000046 09705957

02 FC:122

130.00 CP

Also enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED (hereinafter "the Notice").

PETITION UNDER 37 C.F.R. §§ 1.53(c) and 1.181

The Notice states that Fig. 1 was omitted from the originally filed application. However, Applicants respectfully submit that Fig. 1 (sheet 1/181) was filed with the original application on November 6, 2000, and therefore hereby petition the Commissioner to accept the attached Fig. 1 (sheet 1/181) of the application, which corresponds to the figure designated as missing in the Notice.

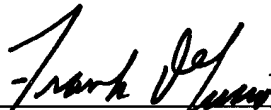
As evidence that Fig. 1 included on sheet 1/181 was deposited in the Patent and Trademark Office with the original application papers on November 6, 2000, attached is a copy of the returned itemized postcard bearing the official stamp of receipt of the Patent and Trademark Office. The enclosed copy of the stamped postcard confirms that the Patent and Trademark Office received, along with 408 pages of the specification, claims, and abstract, 181 sheets of formal drawings on November 6, 2000.

Accordingly, Applicants respectfully request that the indication in the Notice that Fig. 1 was omitted from the original application papers be withdrawn, and also respectfully request that the attached sheet 1/181 (Fig. 1) be included in the application, and the application retain its original November 6, 2000 filing date.

The petition fee of \$130.00 set forth in 37 C.F.R. 1.17(h) is enclosed. Please charge any deficiency in this fee, and credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is attached for that purpose.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

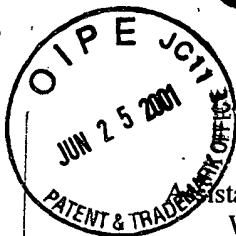
Respectfully submitted,



Attorney for Applicants

Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Center  
New York, New York 10112-3801  
Facsimile: (212) 218-2100  
178063



Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 11 / 6 / 00  
Mo. Day Yr.

Atty. Docket 762.C 1828

Sir:

Kindly acknowledge receipt of the accompanying:

- ☒ Specifications, claims and abstract 408 pages, with Transmittal Form  
☐ Oath or Declaration and Power of Attorney ☐ Executed ☐ Not Executed  
☒ 181 Sheets of X formal        informal drawings  
☒ Check for \$ 3512.00 (filing fee)  
☒ ~~Small entity declaration~~ Preliminary Amendment  
☒ ~~Assignment, PTO 1595 and Check for \$~~ Application Data Sheet  
☐ Transmittal Under 37 CFR 1.53(d) (CPA)  
☐ Petition under 37 CFR 1.136 and check for \$         
☒ Other (specify) Information Disclosure Statement, PTO 1449 and 3 documents  
by placing your receiving date stamp hereon and mailing or returning to deliverer.  
This is a ☒ Continuation ☐ Divisional ☐ Continuation-In-Part

Atty. FAD/me

Due Date 11 / 6 / 00  
Mo. Day Yr.

37 CFR 1.8 ☐  
37 CFR 1.10 ☐  
By Hand ☒

FOHS-A-35



**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>08/17/01</u>		2 Serial/Patent # <u>09/705,957</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	4	6/25/01	\$ 130							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 130								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:								
	Duplicate Payment		9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>0</td><td>6</td><td>--</td><td>1</td><td>2</td><td>0</td><td>5</td></tr></table>		0	6	--	1	2	0	5
0	6	--	1	2	0	5					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
Notice was vacated, thus, no petition was necessary											
11 REFUND REQUESTED BY: <u>C. Tartera</u>											
TYPED/PRINTED NAME: <u>C. Tartera</u>			TITLE: <u>Petitions Attorney</u>								
SIGNATURE: <u>C. Tartera</u>			PHONE: <u>306-5589</u>								
OFFICE: <u>4700</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>Liana Chase</u>			DATE: <u>8-24-01</u>								

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/705,957	11/06/2000	Toshihko Miyazaki	826.C1808

CONFIRMATION NO. 7909

05514

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

FILE NO.

ATTORNEY

DUE DATE

DOCKETED

FORMALITIES LETTER



\*OC000000005983108\*

Date Mailed: 04/18/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The following item(s) appear to have been omitted from the application:

- Figure(s) 1 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

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application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

Ruth. BERHE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY